

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

ADOPTED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 6.5

AMEND ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS, SECTION 1200
AND
ADOPT NEW ARTICLE 6.5, CARRIER IDENTIFICATION NUMBERS,
SECTIONS 1235.1 THROUGH 1235.6

MOTOR CARRIER SAFETY CARRIER IDENTIFICATION NUMBERS (CHP-R-00-12) (OAL NOTICE FILE NUMBER Z01-0420-02)

Existing text:Times New Roman 12 point font.
Additions:.....Times New Roman 12 point font with single underline.
Deletions:.....~~Times New Roman 12 point font with strikethrough~~

NOTE TO PUBLISHER/READERS: For consistency, the style of all titles following the lower case alphas [(a), (b), (c), etc.] have been modified. The former style was, for example “(a) Design.”; the proposed style is “(a) ***Design.***” Since the change is just to the text style (normal to bold italicized text) underlines have not been used to indicate this change. Only in the case of actual additions or deletions has the underline and strikeout been used. Please recognize that italicized text is a format change and that it should be updated in the printed document.

Title 13, California Code of Regulations, Chapter 6.5 Motor Carrier Safety Article 1. Definitions and General Provisions Section 1200, Scope, is amended to read:

(a) ***Applicability.*** Unless otherwise indicated within a specific section, the provisions of this chapter shall apply to farm labor vehicles and the vehicles listed in Vehicle Code Sections 34500 and 34500.1 and their operation.

(b) ***Limited Application.***

(1) Two-axle motor trucks with a gross vehicle weight rating of 26,000 pounds or less transporting hazardous materials in quantities for which placards are required pursuant to Vehicle Code Section 27903 shall be subject to the following Sections of this chapter: 1212, 1212.5, 1213, 1213.1, 1214, 1215, 1229, 1230, 1232, 1234, and 1256.

(2) Two-axle motor trucks with a gross vehicle weight rating of 26,000 pounds or less transporting hazardous materials in quantities for which placards are not required shall be subject to the following Sections of this chapter: 1212, 1212.5, 1214, 1215 (except 1215(b)), 1229, 1230, and 1232. Two-axle motortrucks transporting hazardous materials for which a license is required by Vehicle Code Section 32000.5 shall also be subject to Section 1256.

(3) Section 1213.1 Subsections (c) through (f), shall apply to drivers of commercial vehicles as defined in Vehicle Code Section 15210.

(4) Two-axle motor trucks described in subdivision (j) of Vehicle Code Section 34500 shall be subject only to Sections 1212, 1212.5 and 1213 of this chapter.

(5) Persons operating vehicles which cause those persons to be subject to the Motor Carriers of Property Act as described in Division 14.85 of the Vehicle Code, but which vehicles are not included in Vehicle Code Section 34500, shall be subject only to Article 6.5 of this chapter.

(c) **Exceptions.** This chapter shall not apply to vehicles used primarily off the highway and not required to be registered pursuant to Vehicle Code Section 4000(a).

NOTE: Authority cited: Sections 31401, 34501, 34501.2, 34501.5, 34508 and 34513, Vehicle Code; and Section 39831, Education Code.
Reference: Sections 31401, 34500, 34500.1, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

**Title 13, California Code of Regulations,
Chapter 6.5 Motor Carrier Safety
Article 6.5 Carrier Identification Numbers
is adopted to read:**

Article 6.5. Carrier Identification Numbers

§1235.1. Application for Carrier Identification Number.

(a) **Required Application.** Persons subject to Section 34507.5 of the Vehicle Code shall apply to the department for a carrier identification number as required by that section, using the application specified in paragraph (e).

(b) **Person Defined.** Whenever in this article reference is made to a person, it shall be understood to mean an individual, partnership, corporation, limited liability company, state or local government agency, firm, association, or other legal entity who is subject to Section 34507.5 of the Vehicle Code. For purposes of this article, the terms “carrier,” “firm,” “legal entity,” “motor carrier,” “motor carrier of property,” “organization,” “owner,” “person,” or other collective term shall be interchangeable unless specified otherwise in a specific instance.

(c) **CA Number.** The carrier identification number referenced in Section 34507.5 of the Vehicle Code shall be referred to in this section as a “CA number.” CA numbers are generated by an automated record system operated by the department. CA numbers shall be assigned to each new applicant in sequence, and requests for specific numbers shall not be honored by the department.

(d) **Application Fee.** Applications for CA numbers are received and processed without charge to the applicant.

(e) **Motor Carrier Profile.** Persons subject to Section 34507.5 of the Vehicle Code shall submit a completed application for a CA number on a *Motor Carrier Profile*, CHP 362, as revised in June 1999, which is hereby incorporated by reference.

(1) Single copies of this application are available free of charge from the department at its field division offices in Redding, Rancho Cordova, Vallejo, Fresno, Los Angeles, San Diego, San Luis Obispo, and San Bernardino, or from its Commercial Vehicle Section in Sacramento.

(2) The current version of the application is also available for printing from the Internet at the department's Internet site at *www.chp.ca.gov* under *Forms*. The specific location of this application on the department's Internet site may vary over time as the site is updated, but should be locatable using the search term "CHP 362."

(f) **Completion and Submission.** Applications shall be completed legibly, and mailed or otherwise delivered to the department according to the instructions contained in the application.

NOTE: Authority cited: Section 34500 and 34501, Vehicle Code. Reference: Sections 34507.5, 34507.6, 34620(a), and 34621(b)(4), Vehicle Code.

§1235.2. Motor Carrier Safety Records of the Department.

(a) **Records Associated With CA Numbers.** The record system referenced in section 1235.1 contains carrier records and terminal records. All of the information in the record system is public information.

(b) **Carrier Records.** Carrier records may contain some or all of the following information:

(1) Identification by the legal name of each person who is a motor carrier as defined in Section 408 of the Vehicle Code or a motor carrier of property as defined in Section 34601 of the Vehicle Code.

(2) Any properly adopted business names used by the carrier.

(3) The physical address, mailing address, and telephone number of the carrier's principal place of business.

(4) At the carrier's option, the names of two individuals designated by the motor carrier as emergency contacts, with day and night telephone numbers for each, which the department may use if necessary to contact the carrier's management regarding an emergency involving a vehicle or driver of the carrier.

(5) Codes assigned by the department representing the geographical location of the carrier's principal place of business.

(6) Identification of the type of legal entity the person is, such as individual, partnership, corporation, or limited liability company.

(7) If the applicant is a partnership, corporation, or limited liability company, the applicant's federal employer identification number, or if an individual, the individual's driver license number or state-issued identification card number and state of issue, and if the individual has employees, the individual's federal employer identification number.

(8) The carrier's California or foreign corporation number assigned by the California Secretary of State.

(9) Identification of the state agency that created the record in the automated system, either the department in connection with its duty to regulate the safe operation of vehicles described in Division 14.8 of the Vehicle Code, or the Department of Motor Vehicles in connection with its duty to administer the Motor Carriers of Property Permit Act in Division 14.85 of that code.

(10) Brief descriptions of the types of regulated vehicles the carrier operates or transportation activities in which the carrier is engaged, referred to collectively as "types of operation."

(11) The number and locations of terminals the carrier operates in California, each identified as active or inactive.

(12) Status of the carrier record as a whole as active or inactive, and the effective date of that status.

(13) The date on which the carrier record was most recently updated.

(14) A listing of licenses, operating authorities and registrations held by the carrier to conduct various transportation-related activities, and cross-references to identification numbers issued by other agencies to that carrier.

(15) A count of regulated vehicles and hazardous materials tanks and containers in the carrier's fleet, and the number of drivers, derived as the sum of all vehicle counts indicated in (c)(10) and (11).

(16) Fleet mileage by year, as reported by the carrier.

(17) Business (doing business as) names the carrier uses.

(18) A listing of the carrier's terminals subject to the inspection program mandated by Vehicle Code Section 34501.12, if applicable.

(19) A listing of citations written to the carrier by the department for violations relating to operation of commercial vehicles, not including adjudication.

(20) A listing of accident reports taken or received by the department in which the carrier was identified as an involved party in the accident.

(21) A listing of locations at which the carrier operates terminals.

(c) ***Terminal Records.*** Terminal records may contain some or all of the following information:

(1) The name the carrier uses at the terminal location, and the address.

(2) The terminal office telephone number.

(3) At the carrier's option, the names of two individuals designated by the motor carrier as emergency contacts for that specific terminal, with day and night telephone numbers for each, which the department may use if necessary to contact the terminal's management regarding an emergency involving a vehicle or driver believed to be from that terminal.

(4) Codes assigned by the department representing the geographical location of the terminal.

(5) Types of operation in which the carrier is engaged at the terminal.

(6) The rating assigned by the department pursuant to Section 1233 to the terminal, and the date of the rating assignment.

(7) The date on which the most recent information about the terminal was entered into the record.

(8) A listing of any transportation-related licenses or registrations associated with the specific terminal.

(9) A history of fees paid and inspections completed pursuant to Section 34501.12 of the Vehicle Code.

(10) A count of vehicles operated from the terminal, with codes indicating types of vehicles and a legend explaining the codes.

(11) A count of drivers based at the terminal.

(12) Fleet mileage by year of vehicles operated from the terminal.

(13) A history of terminal ratings showing the ratings given for each of four categories of compliance matters, and the overall compliance rating assigned to the terminal, with an indication of whether each inspection was conducted pursuant to Section 34501.12 of the Vehicle Code or other authority, whether a due process notice was issued when an unsatisfactory rating was assigned, the predominant type of operation upon which compliance was rated, the

date of the inspection, and a tentative suspense date for departmental review of the record and possible scheduling of the next inspection.

NOTE: Authority cited: Section 34500 and 34501, Vehicle Code. Reference: Sections 34507.5, 34507.6, 34620(a), and 34621(b)(4), Vehicle Code.

§1235.3. Required Information and Assignment of Identification Numbers.

(a) **“Doing Business As” Names.** “Doing Business As” (DBA) names under which a person operates may be associated in the department’s records with the CA number and legal name of the person.

(b) **DBA Name Not A Separate Entity.** The fact that a person does business under another name does not create an entity distinct from that person. Except as specifically permitted in this section, DBA names that are fictitious business names shall not be included on the application referenced in Section 1235.1 unless they are adopted in compliance with the Business and Professions Code, commencing with Section 17900.

(1) The name of another carrier to whom a person is contracted or under whose federal operating authority the person operates is not acceptable as a DBA name of that person.

(2) The department may require the applicant to provide verification of compliance with the requirements of the Business and Professions Code regarding the adoption of fictitious business names.

(c) **Legal Name Required.** A CA number shall be assigned in the legal name of the person who is a motor carrier or motor carrier of property.

(1) An individual who operates vehicles which cause the individual to be subject to Section 34507.5 of the Vehicle Code shall, upon submission of a properly completed application, be assigned one CA number in the legal name of that individual.

(A) A business or other enterprise which is operated as a sole proprietorship, but managed jointly by a family, such as by a husband and wife, siblings, parent and child, or is managed by unrelated individuals in an informal partnership, shall be identified on the application referenced in Section 1235.1 as operated by one individual, and a CA number shall be assigned in the legal name of the individual so identified.

(2) A partnership, corporation, or limited liability company that operates vehicles which cause it to be subject to Section 34507.5 of the Vehicle Code shall, upon submission of a properly

completed application, be assigned one CA number in the legal name of the partnership, corporation, or limited liability company.

(3) A department or an independent commission of the state that operates vehicles which cause it to be subject to Section 34507.5 of the Vehicle Code shall, upon submission of a properly completed application, be assigned one CA number in the legal name of the department or commission. Except as provided in subsections (c) and (d), levels of state government below the department level shall not be identified as DBAs of the state. As used in this paragraph, the term “department level” means the first major organizational subdivision of a state Department or Commission below its executive level.

(4) A county shall be assigned one CA number. County departments may be identified as DBA names of the county. Except as provided in subsections (c) and (d), levels of county government below the county department level shall not be identified as DBAs of the county.

(5) A city shall be assigned one CA number. City departments may be identified as DBA names of the city. Except as provided in subsections (c) and (d), levels of city government below the city department level shall not be identified as DBAs of the city.

(d) **Commissions and Special Districts.** A county or city commission, or a special district or joint powers agency governed by a board of trustees, that operates vehicles which cause the commission, district or agency to be subject to Section 34507.5 of the Vehicle Code, shall, upon submission of a properly completed application, be assigned a CA number separately from the level of government with which it is associated.

(e) **Public School Districts.** A public school district operated by the state, a county, or a city shall, upon submission of a properly completed application, be assigned a CA number separately from the level of government with which it is associated.

(f) **Associations and Other Organizations.** Associations and other organizations comprising a federation of relatively independent local offices, chapters, congregations, or other units but which are affiliated statewide or nationally with a central organization in such a manner that they share the same federal employer identification number, shall be considered one organization and shall share the same CA number, unless a local chapter is incorporated separately from the state or national organization. The name of each local chapter of the organization may be identified as a DBA of the organization if the local chapter operates one or more vehicles that cause the organization to be subject to Section 34507.5 of the Vehicle Code and the DBA name is properly

adopted pursuant to subsection (b), except that any one DBA name shall not be repeated in the records of the department regardless of how many locations use that DBA name.

(g) **Reorganizations.** Reorganization of a business, enterprise, or other organization under the ownership of a different legal person, such as from a sole proprietorship to a partnership or from a partnership to a corporation shall be considered the emergence of a new or different person, which, if that new person operates vehicles that cause the person to be subject to Section 34507.5 of the Vehicle Code, shall require application for a new CA number pursuant to Section 1235.1.

(1) “Reorganization” includes the dissolution of an entity and the creation of a new entity of the same type, such as from a corporation to a new corporation, or from a limited liability company to a new limited liability company, even if all the individuals who comprise the management of the new entity are the same individuals who managed the previous entity.

(2) Upon issuance of a new CA number to the new legal entity, the department may place the CA number of the former organization in inactive status.

(h) **Individuals Participating in Multiple Businesses.** An individual operating one or more businesses as a sole proprietor shall be assigned one CA number, regardless of the number of businesses operated. An individual who enters into a partnership or participates as an owner in the formation of a corporation or limited liability company, but continues to operate one or more businesses as a sole proprietor, shall retain his or her original CA number, which shall continue to represent that individual as a sole proprietor. The partnership, corporation or limited liability company in which that individual participates as a partner or co-owner is a separate legal entity and shall be assigned its own CA number.

NOTE: Authority cited: Section 34500 and 34501, Vehicle Code. Reference: Sections 34507.5, 34507.6, 34620(a), and 34621(b)(4), Vehicle Code.

§1235.4. Identification Numbers Nontransferable.

(a) **One CA Number Per Person.** An individual shall be assigned one CA number regardless of how many business enterprises the individual may operate as a sole proprietor or DBA names he or she may use. A partnership, corporation, or limited liability company shall be assigned one CA number, regardless of how many internal divisions it may have or DBA names it may use in representing its business enterprises to the public. The CA number shall represent the legal name of that person, not a DBA name the person may use.

(b) **Nontransferable.** A CA number is not transferable from one person to another, except to correct any errors on the part of the department in the assignment of a number. The department will deny issuance of a CA number to any person the department determines to have been assigned a CA number previously, unless the previously-assigned CA number no longer exists in the department's files due to processes described in Section 1235.5. Once a CA number ceases to exist in the records of the department due to processes described in Section 1235.5, that number shall not be reassigned to any person, except when it was deleted by the department's error.

(1) Pending a hearing pursuant to the Administrative Procedure Act of the Government Code commencing with Section 11500, the department may refuse to issue a new CA number to a legal entity that is owned or managed, in whole or in part, by an individual against whom the department, the Department of Motor Vehicles, or the Public Utilities Commission has an unresolved action, and, in the department's opinion, the individual's purpose in applying for the new CA number is to circumvent or thwart the action.

(c) **Name Changes.** The department will update its records to reflect a change in the legal name of any person who has been assigned a CA number upon submission of satisfactory evidence that the new name represents the same legal entity currently associated with that CA number, and the change is not the result of the formation of a new legal entity.

(d) **Inactive Entities.** A person who ceases to be subject to Section 34507.5 of the Vehicle Code shall retain or forfeit an existing CA number according to the following:

(1) If a person ceases operations in California or fails to notify the department of a change of address pursuant to Section 1233.5 of this title for three or more years, the department may consider the person inactive and may place the person's CA number in inactive status. If the person subsequently resumes operations in California, the person's inactive CA number and its associated carrier record shall be restored to active status. The person shall not be assigned a new CA number.

(2) If a person ceases operations in California, or fails to notify the department of a change of address pursuant to Section 1233.5 of this title for six or more years, the department may consider the person no longer to exist, or no longer subject to Section 34507.5 of the Vehicle Code, and may purge the CA number and its associated records from the department's record system. If the person resumes operations in California subsequent to the purge of the records,

the person's original CA number shall not be restored, and the person shall be treated as a new applicant pursuant to section 1235.1.

(3) The department may delay purging an inactive CA number and its associated record from its automated system beyond the time frames in subsections (1) or (2) for any reason, and is not obligated to place a record in inactive status at any particular time.

(e) **Mergers and Acquisitions.** When two or more persons combine into one organization through a merger, acquisition or other legal transaction, retention of existing CA numbers and issuance of new numbers shall be governed as follows:

(1) When a new partnership, corporation, or limited liability company is formed from former entities, some or all of whom held CA numbers, the resulting new organization is a new person and shall apply for a new CA number pursuant to Section 1235.1. The CA number of any former entity that no longer exists or no longer operates vehicles that would make it subject to Section 34507.5 of the Vehicle Code, may be placed in inactive status by the department.

(2) When a person acquires another person's business assets and will continue to operate as the same person he or she was prior to making the acquisition, as opposed to reorganizing as a new legal entity, that person shall retain his or her existing CA number and shall advise the department which terminals purchased from the the former owner, if any, will be operated by the new owner. If vehicles described in Vehicle Code Section 34500 are to be operated from any of those terminals, the department will create new terminal records under the new owner's existing CA number for those terminals, and will place the terminals at those addresses that are under the former owner's CA number in inactive status.

(3) All vehicles acquired in the transaction that are the subject of Section 34507.5 of the Vehicle Code shall be remarked with the name or DBA name and CA number of that person pursuant to that section, Sections 27900 and 27901 of that code, and Sections 1256 or 1256.5 of this title.

(4) When ownership of a business operated as a sole proprietorship passes from one individual to another, including the passage of ownership between individual members of a family, the new owner is a different person and shall apply for a new CA number unless he or she already has one, in which case the transaction shall be treated as indicated in subsection (2).

(5) The new owner shall identify to the department the former entities that were acquired and that no longer exist as separate legal entities. In the case of acquisitions from an individual who

will cease operations that would cause him or her to be subject to Section 34507.5 of the Vehicle Code, the new owner shall identify the former owner of the business or other organization to the department.

(6) If the new owner is a motor carrier as defined in Section 408 of the Vehicle Code, he or she shall identify which motor carrier terminals belonging to the former owner will continue to be operated as terminals of the new owner. If the new owner is subject to Section 34507.5 of the Vehicle Code solely because it is a motor carrier of property as defined in Section 34601 of the Vehicle Code, but is not a motor carrier as defined in Section 408 of the Vehicle Code, no business locations need be identified to the department except the new owner's principal place of business.

(f) ***Divisions and Dissolutions.*** When a motor carrier or motor carrier of property divides its operations into two or more new legal entities, the retention of an existing CA number and issuance of a new CA number shall be governed as follows:

(1) When the original motor carrier or motor carrier of property continues to exist as the same legal entity, it shall retain the CA number it had before the division, pursuant to subsection (d)(2).

(2) When the original motor carrier or motor carrier of property reorganizes as a different entity type, or as the same type but a new legal entity, that entity shall apply for a new CA number pursuant to Section 1235.1.

(3) The portion of the original legal entity which has been separated and formed into a new legal entity shall apply for a new CA number pursuant to Section 1235.1.

NOTE: Authority cited: Section 34500 and 34501, Vehicle Code. Reference: Sections 34507.5, 34507.6, 34620(a), and 34621(b)(4), Vehicle Code.

§1235.5. Retention of Records by the Department.

(a) ***Deletion of CA Numbers.*** A CA number and its associated records will be deleted from the department's automated record system for any of the following reasons:

(1) A number was assigned in error to a person who was not subject to Section 34507.5 of the Vehicle Code at the time the number was assigned.

(2) A second or subsequent number was assigned to the same person in error. In this circumstance, any carrier or terminal information associated with a superfluous CA number will be transferred to the person's correct CA number.

(A) The department may, at its discretion, permit a person to choose which CA number to keep and which to delete. This permission will not be extended if either of the following conditions exist:

(i) The department is aware the person is currently the subject of any legal proceeding in which any CA number associated with that person appears, or may appear, on any exhibit in the proceeding.

(ii) The person is subject to follow-up inspections after that person's failure to attain a satisfactory compliance rating during any regulatory inspection performed by the department.

(3) The department has determined that the person no longer exists as a legal entity or has ceased to be subject to Section 34507.5 of the Vehicle Code, and sufficient time has passed that the department is unlikely to need to refer to the record associated with that CA number, and legal action against that person, as a motor carrier or a motor carrier of property, is not pending or contemplated by the department, and is not known to the department to be pending or contemplated by the Department of Motor Vehicles, the Public Utilities Commission, or the Federal Motor Carrier Safety Administration.

(4) The department will coordinate with the Department of Motor Vehicles to ensure that deletion of a CA number does not cause the inadvertent invalidation of a motor carrier of property permit, and if the carrier possesses such a permit, to arrange with the Department of Motor Vehicles for corresponding correction of relevant information associated with the permit in that agency's records, such as correction of the CA number associated with it.

NOTE: Authority cited: Section 34500 and 34501, Vehicle Code. Reference: Sections 34507.5, 34507.6, 34620(a), and 34621(b)(4), Vehicle Code.

§1235.6. Reconciliation of Records.

(a) *Conformance With This Article.* The department maintains an ongoing effort to conform its electronic records to the requirements of this article by each of the following actions:

(1) Identifying persons who may have been assigned more than one CA number and consolidating all of that person's information under one CA number, requiring the person to use only that single CA number, and deleting superfluous CA numbers and their associated records from the record system;

(2) Identifying CA numbers that represent multiple legal entities and requiring each legal entity who is a motor carrier or a motor carrier of property to obtain a separate CA number; and

(3) Identifying legal entities that have been assigned a CA number but which are not, and never were, either a motor carrier or a motor carrier of property, and removing those entities from the record system of the department after transferring any information to the record of the true owner, as appropriate.

(b) **Time to Comply.** In carrying out the objectives of subsection (a), the department will use the most expeditious methods to communicate with persons who are subject to this article, such as using telephone or facsimile communications to the extent they are practical. When it is determined that a “person” is actually multiple persons and additional CA numbers are needed, or that a person has multiple CA numbers and one or more of them must be discontinued, the department will grant a reasonable period of time for the submission of new applications pursuant to Section 1235.1, the updating of carrier identification information, and if necessary, the remarking of vehicles pursuant to Section 34507.5 of the Vehicle Code. The department will negotiate a date by which any necessary remarking of vehicles with correct CA numbers will be accomplished, and provide to the person or persons a letter which can be copied and carried in vehicles and shown to any peace officer to show that the process of achieving compliance is in progress pursuant to a negotiated agreement.

(c) **Enforcement.** It is not the intent of the department to take enforcement action against any person who reasonably may not have known that he or she has been using an incorrect CA number due to any of the circumstances indicated in subsection (a). Enforcement action shall be taken only when the department has determined that a person is uncooperative in complying with the requirements of this article.

NOTE: Authority cited: Section 34500 and 34501, Vehicle Code. Reference: Sections 34507.5, 34507.6, 34620(a), and 34621(b)(4), Vehicle Code.